

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

**UNITED STATES OF AMERICA,**

Plaintiff,

No. CR 08-0420 PJH

v.

## **ORDER RE BRIEFING OF DEFENDANT'S MOTION TO SUPPRESS**

RUSSELL LYLES, JR.,

**Defendant.**

The court is in receipt of defendant's late-filed motion to suppress, due December 31, 2008, and his accompanying request for an extension of time to file the motion. This is defendant's *fourth* request for an extension of time. The court rejects defendant's justification for the latest delay, and notes that it has been more than generous in its prior continuances and accommodations. Moreover, the court notes that defendant again waited until the filing deadline passed to file the instant request.

Nevertheless, the court GRANTS defendant's request to file late his motion to suppress. However, per the recent December 18, 2008 status conference, defendant's motions will be heard as scheduled on February 4, 2009. The court is unable to accommodate any further continuances of this hearing date. Given the delay in the filing of defendant's motion, the government's opposition, originally due January 14, 2009, is now due **January 21, 2009**. Defendant's reply shall be filed one day later, **Thursday, January 22, 2009**. There will be no further extensions of the briefing schedule. Defendant is advised that if he files his reply after January 22, 2009, it will be stricken.

**IT IS SO ORDERED.**

Dated: January 7, 2009

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**PHYLLIS J. HAMILTON**  
United States District Judge